

FILED
Clerk
District Court

AUG - 4 2006

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

For The Northern Mariana Islands
By _____
(Deputy Clerk)

CR- 04-00036-002

August 4, 2006
9:00 a.m.

UNITED STATES OF AMERICA -V- JAE YOUNG PARK

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANA E SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
TIMOTHY MORAN, Assistant U. S. Attorney
ROBERT TORRES, Counsel for Defendant
JAE YOUNG PARK, Defendant

PROCEEDING: SENTENCING

Defendant was present with Defense Attorney Robert Torres. Government by Timothy Moran, AUSA. Also present was U.S. Probation Officer Melinda Brunson.

Jin Guk Cho, was present as interpreter/translator of the Korean language.

Court adopted the pre-sentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government had no objection to the advisory guidelines that the Court intends to be guided; Defense had no objections. Court adopted the advisory guidelines.

Government stated that the defendant had cooperated and pursuant to guideline 5K1.1 and 18 U.S.C. §3553(e) the Government made a recommendation for a downward departure to level 22.

Attorney Torres recommended sentencing at the low-end of the guidelines for his substantial assistance to the Government and moved for a sentence of time served or 22 ½ months.

Defendant made his allocution.

Court recessed at 9:45 a.m. and reconvened at 10:15 a.m.

Court granted the Section 3553(e) and 5K1.1 motions for downward departure.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **JAE YOUNG PARK** is hereby sentenced to **41 months** imprisonment . The defendant will receive credit for time served. After release from imprisonment defendant shall be placed on **four years** supervised release. The term of supervised release will require that the defendant comply with the following conditions:

1. The defendant shall be delivered to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. § 3583(d), and with the established procedures provided by the Immigration and Naturalization Act under 8 U.S.C. § 1101. As a further condition of supervised release, if deported, the defendant shall remain outside the United States and its territories and possessions and not re-enter without the permission of the Secretary of the Department of Homeland Security. If deportation does not occur and the defendant is released from confinement pending further immigration proceedings, he shall immediately report to the U.S. Probation Office to begin his term of supervised release;
2. The defendant shall not commit another federal, state, or local crime;
3. The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. He shall submit to up to eight drug tests a month for use of a controlled substance;
4. The defendant shall submit to the collection of a DNA sample at the direction of the U.S. Probation Office;
5. The defendant shall be prohibited from possessing a firearm or other dangerous weapon or having such where he resides;
6. The defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The defendant shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office;
7. The defendant shall refrain from the use of all alcoholic beverages;
8. The defendant shall comply with the standard conditions of supervision as adopted by this court; and
9. The defendant shall perform 200 hours of community service under the direction of the U.S. Probation Office.

It was further ordered that the defendant pay to the United States a special assessment fee of **\$100** to be paid immediately after sentencing. No fine was imposed.

No objection to the sentence by the attorneys. Defendant was advised that he had 10 days in which to file an appeal to the sentence imposed. Further, he was advised that if he cannot afford an attorney for the appeal the Court will appoint one for him.

Defendant was remanded to the custody of the U.S. Marshal.

Adj. 10:25 a.m.

/s/ K. Lynn Lemieux, Courtroom Deputy